**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1080 OF 1993

1. Shashikant Shankar Kshirsagar
and ors. .. Petitioners

vs

1. Ramchandra Mahadev Kshirsagar,
and anr. .. Respondents

Mr.P.A.Sawant for respondent no.1.

**CORAM : D.B.BHOSALE, J.**

**DATE : FEBRUARY 21, 2005.**

**P.C.**

1. This petition is arising out of the order passed in Exhibit-8 application filed by respondent no.1-plaintiff by which the trial Court had allowed that application by its judgment and order dated 18.1.1989. Exhibit-8-application was filed under Order 39 rule 1 of the Code of Civil Procedure. By that order, the petitioners-defendants were restrained from obstructing respondent no.1-plaintiff's possession in the suit land Gat No.651 (Old Gat No.1051) excluding the portion of 35 Guntahs on the northern side of original Survey No.191/14 till the decision of the suit. Feeling aggrieved by that direction, respondent no.1-plaintiff filed Misc. Civil Appeal No.21/1989. That appeal was allowed and the temporary injunction

granted by the trial Court by order dated 18.1.1989 was modified and the defendants were restrained from disturbing possession of the plaintiff over whole of the suit land Gat No.651, (Old Gat No.1051) till decision of the suit by its judgment and order dated 8.1.1993. This Court, while admitting the writ petition, granted the interim relief in terms of prayer clause (c) as a result of which the order dated 8.1.1993 came to be stayed. The Advocate, who had filed the writ petition, subsequently became the Judge of this court and, therefore, the notices were issued to the petitioners. Office noting shows that the notices were duly served on the petitioners. However, the petitioners have neither appeared in-person nor have they engaged any other advocate to prosecute the instant writ petition. By passage of time, the petitioners seem to have lost interest in the writ petition and/or it is quite possible that the suit itself must have been disposed of by now. It is against this backdrop, I am constrained to dismiss this writ petition for nonprosecution. Order accordingly. Rule is discharged.

**(D.B.Bhosale, J.)**